

Zoning Board of Adjustment Public Meeting
Richmond Veterans Hall

April 13, 2022

7:00 PM

Members Present

Alan Schmidt, Chairman
Mark Beauregard, Vice Chairman
Lloyd Condon
Antoinette Cincotta
Thomas Tague
Robert Gow, Alternate

Members Absent

Public: Kimberly Demasco, Andrew Wallace, Christine Wallace, Douglas Bersaw. Renee Murphy.

1. Meeting called to order/roll call:

Meeting called to order at 7:00 PM.

Discussion on earlier notification to the ZBA members to allow them to leave their schedule open. It has been a practice for all board members to leave the second Wednesday of the month open for a possible ZBA hearing. The present meeting had 2 weeks' notice as did the last hearing. The land use assistant will try and give more time to the members.

Chairman Schmidt read RSA 676:7 to the board in reference to notifications for abutters for hearings.

Discussion on recording meetings and the value for the town. Recording would be done for accuracy of minutes and to protect the Zoning Board as well as the Town.

Motion made by Tague to record meetings to protect the Town and the ZBA Board. Seconded by Cincotta.

Discussion: Cincotta read into the record an article from the Keene Shopper News titled Knowledge is Power. See Attached.

Discussion on the importance of transparency and honesty.

Recording the meeting allows everyone to know what's going on. The board members will not remember and there is no way to have accurate minutes.

Chairman Schmidt asked if there was any more discussion?

Call for a vote: Two for. Two against. Chairman Schmidt broke the tie by voting yes.

Ending vote Three in favor. Two opposed. Motion passes.

It was added that the Boards had recorded their meetings in the past and the boards never received the recordings back. Many of the records are missing to this day. Recordings will become part of the record and be kept permanently. The ZBA will use a town owned device and not a private device. Recordings can be changed by an outside person with no evidence.

Discussion on a subcommittee to figure out how the ZBA can accomplish this task. And what the end cost might be. Tague suggested that he and Mattson can work together on a committee. Cost should be nothing since there are a lot of old cell phones around.

Motion made by Tague to form a subcommittee. Seconded by Cincotta. Three in favor. One opposed. Motion carries.

2. Minutes of February 9, 2022:

Page 2, eighth section down, first line change the word that to **whether**, and pull **posed any questions then they**. Should read: brief discussion **whether** the well, propane tanks and septic should be shown on the driveway layout.

Page 3. Second section, first line: change the word suggested to **noted**. Should read: Concotta asked for the floor and **noted** that the.

Fourth section down, first line, pull, suggest that the board. The sentence should read: Vice Beauregard **stated that the meeting was adjourned and ordered a site walk both required a vote.**

Pull: **just do a site walk that there were certain procedures that the board need to take.**

Third line down change the word excising to existing, and change would too **could** Should read: the distance from the tanks and well to the edge of the **existing** road **could** be the next step.

Fifth section down, add into motion made by Cincotta to accept the variance, **to find that the prerequisites for the variance was satisfied and to grant.**

Ninth section down, second line at end change the word excising to **existing**.

Eleventh section down, first line: Motion made by Condon to set up the site walk. Seconded by Gow.

Page 4. Under 1. Taping of meetings, third section down. Vice Beauregard read his motion. Pull **continued by ready a reply from the NH Municipal Association (NHMA).**

Ninth section down, pull: **After reading the response from the NHMA.**

Tenth section down, first line pull: **would be of great assistance when creating the written record.**

Third line down change the word as to **anyone**. Add: **and hearings that have been recorded to assure accurate minutes.** Sentence should read: **anyone to record and she has participated in thousands of meetings and hearings that have been recorded to assure accurate minutes.**

Page 5, first line, pull **went on to discuss** and add: **stressed the importance of accurate minutes.** Sentence should read: Cincotta **stressed the importance of accurate minutes and** how she was misrepresented at the cell tower hearing. She gave the importance of how failed minutes were used to try and disqualify her.

Third section, third line down change the word to. Sentence should read as they don't want much **too** be part of the record.

Motion made by Vice Beauregard to accept the minutes as amended. Seconded by Cincotta. Three in favor. One abstention. Motion carries.

Minutes of February 11, 2022:

Page 1, under Map 402Lot 27: (Variance), third section down, first sentence. Add **fact that** and add **should not be relevant.** Sentence should read: **Cincotta mentioned that the fact that the well and tanks were non-conforming should not be relevant.** Same sentence pull out: **and should not affect the Hodgman's Being granted the use of this existing driveway.**

Third sentence pull: **Elaine Moriarty joined, and was, and by Cincotta and neighbors.** Sentence should read: **The group met along the side of the road.**

Seventh and eight sentence pull completely.

Fourth section down, pull: **with the condition that there is a written letter signed by the Moriarty's stating there are no issues with the existing roadbed.** Sentence should read:

Motion made by Gow to find all the prerequisites for the variance had been established and to grant the variance. Seconded by Cincotta.

Three in favor. None opposed. No abstentions. Motion carries.

Land Use Assistant then stated that the motion should be conditioned on receipt of a written letter by the abutters withdrawing opposition to the variance. Gow moved to condition the variance on receipt of a letter by the abutters withdrawing objection to the variance. Vice Beauregard seconded. Voted passed.

Motion made by Cincotta to approve the minutes as amended. Second by Vice Beauregard. Two in favor. One abstention due to not being present.

Board seated Gow at 7:47 PM who did attend the site walk. Vote was taken. Three in favor. None opposed. One abstention. Motion carries. Gow stepped down after the vote at 7:47 PM.

3. Serving the ZBA:

Chairman Schmidt prepared to have a quick presentation on the Roles and Responsibilities of a ZBA member. A member of the public attended this meeting interested in serving on the board. There was some disagreement with Chairman Schmidt's request. The responsibility it is up to the Selectmen to appoint members to the ZBA not the ZBA Board. It is illegal and not permitted. The only way would be if the Select board granted the right to the ZBA to recommend and ask the Selectmen to appoint. It is illegal for the ZBA to appoint board members.

Chairman Schmidt explained this gave the board a chance to meet people, explain the workings of the board. The Board votes to send the possible member to the Selectmen to appoint. The final authority rests with the Selectmen. Schmidt explained this has been the procedure and has worked in the past since 1972. Allows potential board members to know what they're getting into so they decide if they can adequately fill the position. This allows the board members to meet a potential member and get to know them before they serve on the board.

Tague added that this is a real benefit and it seemed logical to do since it has been done in the past.

Recommendation from the ZBA to Selectmen and the Selectmen to nominate a new member into position. He continued to recommend a granted right allowing transparency and who's coming on the board. He felt this was a really good idea.

Motion made by Chairman Schmidt to continue with explanation of rules and procedure for an applicant. Seconded by Beauregard.

Chairman Schmidt clarified that yes would continue and Nay to stop.

Four in favor. One against. Motions carries.

Cincotta stressed that this was illegal, she had no interest in pursuing this and it must be discussed with the Selectmen. Chairman Schmidt explained it was legal to carry on as the Board has done this since 1972.

Tague suggested that the board consider having quarterly meetings to function as a body of one. The board should meet more often to take out wrinkles. It appeared to him that the differences are very small. The board is operated by new members as well as the older members.

4. Discussion on Rules of Procedure:

The ZBA Rules of Procedure were suggested by the Selectmen to clarify as the wording wasn't clear.

Page 1, under meetings, 1. **Regular** meetings will be held on the second Wednesday of each month at 7:00 PM at the Civil Defense Building or the Veteran's Hall as determined by Public Notice.

The word Regular was the confusing word, and it was recommended to remove that word. The board also discussed adding hearings. The new Rules of Procedure under **1. Meetings and hearings** will be held on the second Wednesday of each month at 7:00 PM at the Civil Defense Building or the Veteran's Hall as determined by Public Notice.

Motion made by Chairman Schmidt to change the Rules of Procedures under meetings 1. Regular meetings to Meetings and hearings. Seconded by Lloyd Condon. All in favor. None opposed. Motion carries.

5. Election of Officers:

Motion made by Cincotta to nominate Tom Tague. There was not a second.

Motion made by Vice Beauregard to nominate Alan Schmidt. Seconded by Condon.

With no further nominations from the floor. Chairman Schmidt opened it for discussion.

Discussion: Cincotta stressed that as the Chairman of the board Schmidt is responsible of all hearings and meetings. There have been flaws with inaccurate notices and proper service of notices to abutters.

Chairman Schmidt responded not true but you're trying to make it true.

Cincotta went on to say that the first notice did not serve all the abutters. The second one was for both. It was originally only for Mr. and not Mrs.

Chairman Schmidt responded it was not purposely done.

Cincotta continued that Chairman Schmidt went forward with the hearing and incorporated evidence from the first hearing to the second hearing.

Cincotta mentioned incorporating 4 sets of minutes into one hearing. She wants the minutes finalized at each meeting.

Chairman Schmidt responded they are going to be recorded so there is no issue.

Cincotta and Condon got into a very heated discussion. Cincotta looked at Chairman Schmidt and verbalized concerned about the way Condon was talking to her.

Chairman Schmidt responded that both Cincotta and Condon are disrespectful to each other. Every meeting he allows them to badger and bully each other. There's talk and disrespect going on both sides. Neither have respect of each other. He continued that when it gets out of control is when he steps in to stop it. Both are to blame and there is no victims. Only the person that is unprofessional. The board is here to listen to and reason with the applicant. They don't need a long and drawn-out prosecution.

Tague suggested that the discussion should happen at meetings to start functioning as a board in the public eye. The board should all agree on items. When we have a public hearing be careful as we are representing the town. The board should air in private and not in the eye of the public. He suggested closed meetings without applicants. The board gets eroded respect.

All hearing and meetings are open to the public. Closed meetings can not happen. He suggested having the assistant to participate. To assist. He believes when asked she should participate. He feels there are two ways add a second board or add the secretary as a board member.

Chairman Schmidt asked if there was any further discussion.

Called for vote for Chairman Schmidt to continue in his role.

Four in favor. One opposed. Motion carries.

Motion made by Condon to nominate Mark Beauregard as Vice Chairman. Seconded by Chairman Schmidt.

Discussion from the floor.

Cincotta asked for the floor and asked Beauregard what happened when he went to the Selectmen's meeting on February 14, 2022. Beauregard wasn't sure of the date and asked for clarification.

Cincotta responded that he made a false accusation to the Selectmen that she was the board member that made the motion at the site walk on February 11, 2022. That was incorrect she did not make the motion; Gow made the motion. She looked at Gow and asked him. Gow agreed. Cincotta said the Selectmen told her that is was Beauregard that made that comment.

Beauregard asked if that was in the Selectman's minutes.

Conson suggested that it should start with the Selectmen who should also record their minutes and produce minutes that are more accurate.

Land Use Assistant asked to speak and said that she was the one that said that to the Selectmen not Beauregard. After reviewing her notes, she realized that she was incorrect. The minutes reflect that correction. Mattson continued that they went to the meeting to discuss a matter of procedure at the site walk. The site walk should have been continued to the following week and the criteria should have been gone through before it was voted on. She had hoped that the selectmen would appeal the decision to allow the board to look at the criteria. Bersaw and Wallace briefly looked over the criteria and said it was fine.

Cincotta went on to stress to Mattson that the Selectmen have no power to appeal the ZBA that it should have come right back to the board itself. The board should handle that and discuss it not the Selectmen.

Concotta questioned when Beauregard was at the February 9, 2022, meeting when he wanted to adjourn the meeting and called for a site walk. Beauregard admitted he made a mistake and said he was only human. The meeting was continued and not adjourned.

Chairman Schmidt asked if there was any further discussion. There was none.

Called for a vote for Beauregard as Vice Chairman.

Four in favor. One opposed. Motion carries.

With no further business in front of the board.

Motion made by Condon to adjourn the meeting. Seconded by Chairman Schmidt. All in favor. None opposed. Motion carries.

Meeting adjourned at 8:50 PM.

Respectfully Submitted,

Kandace Mattson